

AMENDED IN ASSEMBLY MARCH 29, 2005

AMENDED IN ASSEMBLY FEBRUARY 24, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 158

Introduced by Assembly Member Bermudez
(Coauthors: Assembly Members Chan, Cohn, Dymally, Koretz,
and Mullin)
(Coauthor: Senator Figueroa)

January 14, 2005

An act to amend ~~Sections 2035, 2102, 2107, 2119, 2154, 2155, and 2187~~ *Section 2107* of the Elections Code, relating to voter registration.

LEGISLATIVE COUNSEL'S DIGEST

AB 158, as amended, Bermudez. Voter registration deadlines.

~~(1) Under existing law, a person duly registered as a voter in any precinct in California who moves from the district within 14 days prior to an election shall, for the purpose of that election, be entitled to vote in the precinct from which the person moved until the close of the polls on the date of that election.~~

~~This bill would change that period to 7 days.~~

~~(2) Under existing law, a person citizen may not be registered as a voter except by affidavit of registration. Existing law requires that the affidavit be mailed or delivered to the county elections official. Existing law provides that a properly executed registration is deemed effective upon receipt of the affidavit by the county elections official no later than the 15th day prior to an election, unless specified circumstances apply.~~

~~This bill would provide for an 8-day period instead of a 15-day period relative to receipt of an affidavit of registration and would also make other technical changes to this provision.~~

~~(3) Under existing law, generally, the county elections official is required to accept affidavits of registration at all times except during the 14 days immediately preceding any election.~~

~~This bill would provide for a 7-day period instead of a 14-day period.~~

~~(4) Under existing law, the county elections official is required to accept an affidavit of registration executed as part of a voter registration card in the forthcoming election if the affidavit is executed on or before the 15th day prior to the election, under specified conditions.~~

~~This bill would provide for an 8-day period instead of a 15-day period.~~

~~(5) Under existing law, in lieu of executing a new affidavit of registration for a change of address within the county, the county elections official is required to accept a notice or letter of the change of address signed by a voter as he or she is registered for a forthcoming election and is required to change the address on the voter's affidavit of registration if the notification is executed on or before the 14th or 15th day, determined by method of delivery, prior to the election under specified conditions.~~

~~This bill would provide for either a 7-day period or an 8-day period, determined by method of delivery, instead of a 14-day period or 15-day period.~~

~~(6) Under existing law, if a county elections official receives an affidavit of registration that does not include portions of the information for which space is provided, the county elections official or registrar of voters is required to apply a rebuttable presumption that if no execution date is shown, the affidavit was executed on or before the 15th day prior to the election, provided that (a) the affidavit is received by the county elections official on or before the 15th day prior to the election, (b) the affidavit is received by mail by the county elections official no later than the 4th day after the 15th day prior to the election, or (c) the affidavit is postmarked on or before the 15th day prior to the election and received by mail by the county elections official.~~

~~This bill would provide for an 8-day period instead of a 15-day period.~~

~~(7) Under existing law, upon receipt of a properly executed affidavit of registration or address correction notice or letter, as specified, the county elections official is required to send the voter a voter notification by nonforwardable, first-class mail, address correction requested, that informs the voter, among other things, that the voter may vote in any election held 15 or more days after the date shown on the reverse side of the notification.~~

~~This bill would provide for an 8-day period instead of a 15-day period.~~

~~(8) Existing law requires each county elections official to send to the Secretary of State, in a format prescribed by the Secretary of State, a summary statement of the number of voters in the county with specified information. Existing law requires each county that uses data processing equipment to store the information set forth in the affidavit of registration to send to the Secretary of State one copy of the magnetic tape file with the information requested by the Secretary of State and each county that does not use data processing storage to send to the Secretary of State one copy of the index setting forth that information. Existing law requires the summary statements and the magnetic tape file copy or the index to be sent not less than 7 days prior to the primary or general election, with respect to voters registered before the 14th day prior to the primary election.~~

~~This bill would provide for 3-day and 7-day time periods instead of 7-day and 14-day periods.~~

~~*This bill would authorize any citizen to register to vote at the office of the county elections official at any time beginning on the 14th day prior to the election and ending on the seventh day prior to election day.*~~

~~(9) The bill would impose a state-mandated local program by reducing existing voter registration deadlines, thereby requiring a higher level of service from local election officials.~~

~~(10) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 2107 of the Elections Code is amended*
2 *to read:*

3 2107. (a) Except as provided in subdivision (b), the county
4 elections official shall accept affidavits of registration at all times
5 except during the 14 days immediately preceding any election,
6 when registration shall cease for that election as to electors
7 residing in the territory within which the election is to be held.
8 Transfers of registration for an election may be made from one
9 precinct to another precinct in the same county at any time when
10 registration is in progress in the precinct to which the elector
11 seeks to transfer.

12 (b) The county elections official shall accept an affidavit of
13 registration executed as part of a voter registration card in the
14 forthcoming election if the affidavit is executed on or before the
15 15th day prior to the election, and if any of the following apply:

16 (1) The affidavit is postmarked on or before the 15th day prior
17 to the election and received by mail by the county elections
18 official.

19 (2) The affidavit is submitted to the Department of Motor
20 Vehicles or accepted by any other public agency designated as a
21 voter registration agency pursuant to the National Voter
22 Registration Act of 1993 (42 U.S.C. Sec. 1973gg) prior to the
23 election.

24 (3) The affidavit is delivered to the county elections official by
25 means other than those described in paragraphs (2) and (3) on or
26 before the 15th day prior to the election.

27 (c) *Notwithstanding subdivisions (a) and (b), any citizen is*
28 *eligible to register to vote at the office of the county elections*
29 *official at any time beginning on the 14th day before an election*
30 *and ending on the seventh day prior to election day.*

31 ~~SECTION 1. Section 2035 of the Elections Code is amended~~
32 ~~to read:~~

33 ~~2035. A person duly registered as a voter in any precinct in~~
34 ~~California who removes there from within 7 days prior to an~~
35 ~~election shall, for the purpose of that election, be entitled to vote~~

1 in the precinct from which the person so removed until the close
2 of the polls on the date of that election.

3 SEC. 2. Section 2102 of the Elections Code is amended to
4 read:

5 2102. (a) A person shall not be registered as a voter except
6 by affidavit of registration. The affidavit shall be mailed or
7 delivered to the county elections official and shall set forth all of
8 the facts required to be shown by this chapter. A properly
9 executed registration shall be deemed effective upon receipt of
10 the affidavit by the county elections official if received on or
11 before the 8th day prior to an election to be held in the
12 registrant's precinct. A properly executed registration shall also
13 be deemed effective upon receipt of the affidavit by the county
14 elections official if any of the following apply:

15 (1) The affidavit is postmarked on or before the 8th day prior
16 to the election and received by mail by the county elections
17 official.

18 (2) The affidavit is submitted to the Department of Motor
19 Vehicles or accepted by any other public agency designated as a
20 voter registration agency pursuant to the National Voter
21 Registration Act of 1993 (42 U.S.C. Sec. 1973gg) on or before
22 the 8th day prior to the election.

23 (3) The affidavit is delivered to the county elections official by
24 means other than those described in paragraphs (1) or (2) on or
25 before the 8th day prior to the election.

26 (b) For purposes of verifying signatures on a recall, initiative,
27 or referendum petition or signatures on a nomination paper or
28 any other election petition or election paper, a properly executed
29 affidavit of registration shall be deemed effective for verification
30 purposes if both (a) the affidavit is signed on the same date or a
31 date prior to the signing of the petition or paper, and (b) the
32 affidavit is received by the county elections official on or before
33 the date on which the petition or paper is filed.

34 (c) Notwithstanding any other provision of law to the contrary,
35 the affidavit of registration required under this chapter shall not
36 be taken under sworn oath, but the content of the affidavit shall
37 be certified as to its truthfulness and correctness, under penalty of
38 perjury, by the signature of the affiant.

39 SEC. 3. Section 2107 of the Elections Code is amended to
40 read:

~~2107. (a) Except as provided in subdivision (b), the county elections official shall accept affidavits of registration at all times except during the 7 days immediately preceding any election, when registration shall cease for that election as to electors residing in the territory within which the election is to be held. Transfers of registration for an election may be made from one precinct to another precinct in the same county at any time when registration is in progress in the precinct to which the elector seeks to transfer.~~

~~(b) The county elections official shall accept an affidavit of registration executed as part of a voter registration card in the forthcoming election if the affidavit is executed on or before the 8th day prior to the election, and if any of the following apply:~~

~~(1) The affidavit is postmarked on or before the 8th day prior to the election and received by mail by the county elections official.~~

~~(2) The affidavit is submitted to the Department of Motor Vehicles or accepted by any other public agency designated as a voter registration agency pursuant to the National Voter Registration Act of 1993 (42 U.S.C. Sec. 1973gg) prior to the election.~~

~~(3) The affidavit is delivered to the county elections official by means other than those described in paragraphs (2) and (3) on or before the 8th day prior to the election.~~

~~SEC. 4. Section 2119 of the Elections Code is amended to read:~~

~~2119. (a) In lieu of executing a new affidavit of registration for a change of address within the county the county elections official shall accept a notice or letter of the change of address signed by a voter as he or she is registered.~~

~~(b) The county elections official shall accept a notification for the forthcoming election and shall change the address on the voter's affidavit of registration accordingly if the notification is executed on or before the 8th day prior to the election and if any of the following apply:~~

~~(1) The notification is postmarked on or before the 8th day prior to the election and received by mail by the county elections official.~~

~~(2) The notification is submitted to the Department of Motor Vehicles or accepted by any other public agency designated as a~~

1 voter registration agency pursuant to the National Voter
2 Registration Act of 1993 (42 U.S.C. Sec. 1973gg) prior to the
3 election.

4 (3) The notification is delivered to the county elections official
5 by means other than those described in paragraphs (2) and (3) on
6 or before the 7th day prior to the election.

7 SEC. 5. Section 2154 of the Elections Code is amended to
8 read:

9 2154. In the event that the county elections official receives
10 an affidavit of registration that does not include portions of the
11 information for which space is provided, the county elections
12 official voters shall apply the following rebuttable presumptions:

13 (a) If no middle name or initial is shown, it shall be presumed
14 that none exists.

15 (b) If no party affiliation is shown, it shall be presumed that
16 the affiant has no party affiliation.

17 (c) If no execution date is shown, it shall be presumed that the
18 affidavit was executed on or before the 8th day prior to the
19 election, provided that (1) the affidavit is received by the county
20 elections official on or before the 8th day prior to the election, or
21 (2) the affidavit is postmarked on or before the 8th day prior to
22 the election and received by mail by the county elections official.

23 (d) If the affiant fails to identify his or her state of birth within
24 the United States, it shall be presumed that the affiant was born
25 in a state or territory of the United States if the birthplace of the
26 affiant is shown as "United States," "U.S.A.," "U.S.," or other
27 recognizable term designating the United States.

28 SEC. 6. Section 2155 of the Elections Code is amended to
29 read:

30 2155. Upon receipt of a properly executed affidavit of
31 registration or address correction notice or letter pursuant to
32 Section 2119, Article 2 (commencing with Section 2220), or the
33 National Voter Registration Act of 1993 (42 U.S.C. Sec.
34 1973gg), the county elections official shall send the voter a voter
35 notification by nonforwardable, first-class mail, address
36 correction requested. The voter notification shall state the party
37 affiliation for which the voter has registered in the following
38 format:

39 Party: (Name of political party)

~~The voter notification shall be substantially in the following form:~~

VOTER NOTIFICATION

~~You are registered to vote. The party affiliation for which you have registered is shown on the reverse of this card. This card is being sent as a notification of:~~

~~1. Your recently completed affidavit of registration;~~

~~OR,~~

~~2. A correction to your registration because of an official notice that you have moved. If your residence address has not changed or if your move is temporary, please call or write the county elections official immediately.~~

~~You may vote in any election held 8 or more days after the date shown on the reverse side of this card.~~

~~Your name will appear on the index kept at the polls.~~

~~Please contact your county elections office if the information shown on the reverse side of this card is incorrect.~~

~~(Signature of Voter)~~

~~SEC. 7. Section 2187 of the Elections Code is amended to read:~~

~~2187. (a) Each county elections official shall send to the Secretary of State, in a format described by the Secretary of State, a summary statement of the number of voters in the county. The statement shall show the total number of voters in the county, the number registered as affiliated with each qualified political party, the number registered in nonqualified parties, and the number who declined to state any party affiliation. The statement shall also show the number of voters, by political affiliations, in each city, supervisorial district, Assembly district,~~

1 ~~Senate district, and congressional district located in whole or in~~
2 ~~part within the county.~~

3 ~~(b) The Secretary of State, on the basis of the statements sent~~
4 ~~by the county elections officials and within 30 days after~~
5 ~~receiving those statements, shall compile a statewide list showing~~
6 ~~the number of voters, by party affiliations, in the state and in~~
7 ~~each county, city, supervisorial district, Assembly district, Senate~~
8 ~~district, and congressional district in the state. A copy of this list~~
9 ~~shall be made available, upon request, to any elector in this state.~~

10 ~~(c) Each county that uses data processing equipment to store~~
11 ~~the information set forth in the affidavit of registration shall send~~
12 ~~to the Secretary of State one copy of the magnetic tape file with~~
13 ~~the information requested by the Secretary of State. Each county~~
14 ~~that does not use data processing storage shall send to the~~
15 ~~Secretary of State one copy of the index setting forth that~~
16 ~~information.~~

17 ~~(d) The summary statements and the magnetic tape file copy~~
18 ~~or the index shall be sent at the following times:~~

19 ~~(1) On the 135th day before each presidential primary and~~
20 ~~before each direct primary, with respect to voters registered on~~
21 ~~the 154th day before the primary election.~~

22 ~~(2) Not less than 50 days prior to the primary election, with~~
23 ~~respect to voters registered on the 60th day before the primary~~
24 ~~election.~~

25 ~~(3) Not less than 3 days prior to the primary election, with~~
26 ~~respect to voters registered before the 7th day prior to the~~
27 ~~primary election.~~

28 ~~(4) Not less than 50 days prior to the general election, with~~
29 ~~respect to voters registered on the 60th day before the general~~
30 ~~election.~~

31 ~~(5) Not less than 3 days prior to the general election, with~~
32 ~~respect to voters registered before the 7th day prior to the general~~
33 ~~election.~~

34 ~~(6) On or before March 1 of each odd-numbered year, with~~
35 ~~respect to voters registered as of February 10.~~

36 ~~(e) The Secretary of State may adopt regulations prescribing~~
37 ~~the content and format of the magnetic tape file or index referred~~
38 ~~to in subdivision (c) and containing the registered voter~~
39 ~~information from the affidavits of registration.~~

1 ~~(f) The Secretary of State may adopt regulations prescribing~~
2 ~~additional regular reporting times, except that the total number of~~
3 ~~reporting times in any one calendar year shall not exceed 12.~~

4 ~~(g) The Secretary of State shall make the information from the~~
5 ~~magnetic tape files or the printed indexes available, under~~
6 ~~conditions prescribed by the Secretary of State, to any candidate~~
7 ~~for federal, state, or local office, to any committee for or against~~
8 ~~any proposed ballot measure, to any committee for or against any~~
9 ~~initiative or referendum measure for which legal publication is~~
10 ~~made, and to any person for election, scholarly or political~~
11 ~~research, or governmental purposes as determined by the~~
12 ~~Secretary of State.~~

13 ~~SEC. 8.~~

14 ~~SEC. 2.~~ If the Commission on State Mandates determines that
15 this act contains costs mandated by the state, reimbursement to
16 local agencies and school districts for those costs shall be made
17 pursuant to Part 7 (commencing with Section 17500) of Division
18 4 of Title 2 of the Government Code.